

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF NEW MEXICO

Case number (if known) Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/16

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	Breedyk Dairy, Ltd. Co.	
2. All other names debtor used in the last 8 years Include any assumed names, trade names and doing business as names	FDBA Breakaway Dairy	
3. Debtor's federal Employer Identification Number (EIN)	85-0416685	
4. Debtor's address	Principal place of business 7150 Vineyard Dexter, NM 88230 Number, Street, City, State & ZIP Code Chaves County	Mailing address, if different from principal place of business P.O. Box, Number, Street, City, State & ZIP Code Location of principal assets, if different from principal place of business Number, Street, City, State & ZIP Code
5. Debtor's website (URL)		
6. Type of debtor	<input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) <input type="checkbox"/> Partnership (excluding LLP) <input type="checkbox"/> Other. Specify:	

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. *Check all that apply:*

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,566,050 (amount subject to adjustment on 4/01/19 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- ☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

- ☒ No.
☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

- ☒ No
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☐ No

☒ Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

☐ It needs to be physically secured or protected from the weather.

☒ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☒ Yes. Insurance agency **Agsure**

Contact name

Phone

(505) 217-2415

Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☒ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

Debtor **Breedyk Dairy, Ltd. Co.**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 17, 2016**
MM / DD / YYYY

X /s/ Arie Breedyk
Signature of authorized representative of debtor

Title **Managing Member**

Arie Breedyk
Printed name

18. Signature of attorney

X /s/ George M. Moore
Signature of attorney for debtor

Date **May 17, 2016**
MM / DD / YYYY

George M. Moore
Printed name

Moore, Berkson, Bassan & Behles, P.C.
Firm name

3800 Osuna Rd. NE, Suite 2
Albuquerque, NM 87109
Number, Street, City, State & ZIP Code

Contact phone **(505)242-1218** Email address **mbglaw@swcp.com**

1854
Bar number and State

Fill in this information to identify the case:

Debtor name **Breedyk Dairy, Ltd. Co.**
 United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**
 Case number (if known): _____

☐ Check if this is an
 amended filing

Official Form 204
Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders
12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Cartel, Inc. PO Box 534 Hagerman, NM 88232						\$27,380.00
Cattle Feeds PO Box 8178 Roswell, NM 88202						\$33,234.00
Chase PO Box 15298 Wilmington, DE 19850						\$18,787.00
Chase PO Box 15298 Wilmington, DE 19850						\$9,459.00
DBS Commodities 184 E Darby Rd Dexter, NM 88230		all real property; livestock, offspring, proceeds and replacements; equipment; rolling stock; contract rights; accounts; general intangibles; all pers		\$1,164,978.00	\$11,300,451.00	\$1,164,978.00
Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101		943				\$83,432.00
Jordan Dairy Service PO Box 236 Dexter, NM 88230						\$84,625.00

Debtor **Breedyk Dairy, Ltd. Co.**
Name

Case number (if known)

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services,	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Marshall Farms 548 Shawnee Rd Dexter, NM 88230						\$207,197.00
RCMA Farms, LLC PO Box 516 Hagerman, NM 88232						\$56,504.00
Richard Park, DVM 1133 W Mesa Loop NW Los Lunas, NM 87031						\$24,520.00
Robinson Farms 181 E Darby Dexter, NM 88230						\$617,992.00
Vet Outlet PO Box 5609 Roswell, NM 88202						\$25,095.00
VFC Partners 25, LLC 3424 Peachtree Rd. NE Suite 2200 Atlanta, GA 30326		livestock; all real property; equipment; inventory; documents		\$6,960,235.00	\$10,683,745.00	\$2,985,464.00
VFC Partners 25, LLC 3424 Peachtree Rd. NE Suite 2200 Atlanta, GA 30326		feed; all real property; equipment; inventory; documents		\$3,192,123.00	\$7,006,961.00	\$384,074.00
W-F Farms PO Box 580 Dexter, NM 88230						\$340,648.00
Wells Fargo Business Direct PO Box 29482 Phoenix, AZ 85308						\$34,322.00

Fill in this information to identify the case:Debtor name **Breedyk Dairy, Ltd. Co.**United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206Sum
Summary of Assets and Liabilities for Non-Individuals****12/15****Part 1: Summary of Assets****1. Schedule A/B: Assets-Real and Personal Property** (Official Form 206A/B)

1a. Real property: Copy line 88 from <i>Schedule A/B</i>	\$ 6,812,895.00
1b. Total personal property: Copy line 91A from <i>Schedule A/B</i>	\$ 4,487,499.61
1c. Total of all property: Copy line 92 from <i>Schedule A/B</i>	\$ 11,300,394.61

Part 2: Summary of Liabilities

2. Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D) Copy the total dollar amount listed in Column A, <i>Amount of claim</i> , from line 3 of <i>Schedule D</i>	\$ 15,832,248.00
3. Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)	
3a. Total claim amounts of priority unsecured claims: Copy the total claims from Part 1 from line 5a of <i>Schedule E/F</i>	\$ 83,432.00
3b. Total amount of claims of nonpriority amount of unsecured claims: Copy the total of the amount of claims from Part 2 from line 5b of <i>Schedule E/F</i>	+\$ 1,652,263.00
4. Total liabilities Lines 2 + 3a + 3b	\$ 17,567,943.00

Fill in this information to identify the case:Debtor name **Breedyk Dairy, Ltd. Co.**United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206A/B****Schedule A/B: Assets - Real and Personal Property**

12/15

Disclose all property, real and personal, which the debtor owns or in which the debtor has any other legal, equitable, or future interest. Include all property in which the debtor holds rights and powers exercisable for the debtor's own benefit. Also include assets and properties which have no book value, such as fully depreciated assets or assets that were not capitalized. In Schedule A/B, list any executory contracts or unexpired leases. Also list them on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G).

Be as complete and accurate as possible. If more space is needed, attach a separate sheet to this form. At the top of any pages added, write the debtor's name and case number (if known). Also identify the form and line number to which the additional information applies. If an additional sheet is attached, include the amounts from the attachment in the total for the pertinent part.

For Part 1 through Part 11, list each asset under the appropriate category or attach separate supporting schedules, such as a fixed asset schedule or depreciation schedule, that gives the details for each asset in a particular category. List each asset only once. In valuing the debtor's interest, do not deduct the value of secured claims. See the instructions to understand the terms used in this form.

Part 1: Cash and cash equivalents**1. Does the debtor have any cash or cash equivalents?**

- ☐ No. Go to Part 2.
☒ Yes Fill in the information below.

All cash or cash equivalents owned or controlled by the debtor**Current value of debtor's interest****3. Checking, savings, money market, or financial brokerage accounts (Identify all)**

Name of institution (bank or brokerage firm)

Type of account

Last 4 digits of account number

3.1. **Wells Fargo****checking account (operating account)****2663****\$0.00**3.2. **Bank of the West****checking account (tax account)****7528****\$124.00**3.3. **Wells Fargo****checking account (operating account)****2671****\$25.61****4. Other cash equivalents (Identify all)****5. Total of Part 1.**

Add lines 2 through 4 (including amounts on any additional sheets). Copy the total to line 80.

\$149.61**Part 2: Deposits and Prepayments****6. Does the debtor have any deposits or prepayments?**

- ☒ No. Go to Part 3.
☐ Yes Fill in the information below.

Part 3: Accounts receivable**10. Does the debtor have any accounts receivable?**

- ☐ No. Go to Part 4.
☒ Yes Fill in the information below.

Debtor Breedyk Dairy, Ltd. Co.
Name

Case number (If known) _____

11. **Accounts receivable**

11a. 90 days old or less: 300,000.00 - 0.00 = \$300,000.00
face amount doubtful or uncollectible accounts

12. **Total of Part 3.**

Current value on lines 11a + 11b = line 12. Copy the total to line 82.

\$300,000.00

Part 4: Investments

13. **Does the debtor own any investments?**

- ☒ No. Go to Part 5.
☐ Yes Fill in the information below.

Part 5: Inventory, excluding agriculture assets

18. **Does the debtor own any inventory (excluding agriculture assets)?**

- ☒ No. Go to Part 6.
☐ Yes Fill in the information below.

Part 6: Farming and fishing-related assets (other than titled motor vehicles and land)

27. **Does the debtor own or lease any farming and fishing-related assets (other than titled motor vehicles and land)?**

- ☐ No. Go to Part 7.
☒ Yes Fill in the information below.

	General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
28.	Crops-either planted or harvested			
29.	Farm animals <i>Examples: Livestock, poultry, farm-raised fish</i> milk cows 1546 x \$1,200 dry cows 202 x \$1,200 bulls 12 x \$800 heifers 1389 x \$900			\$3,417,300.00
	heifers 433 x \$600 located at Llanda Verde Calf Ranch			\$259,800.00
30.	Farm machinery and equipment <i>(Other than titled motor vehicles)</i> F44K John Deere Loader			\$50,000.00
	F44K John Deere Loader			\$50,000.00
	Volvo loader			\$5,000.00
	John Deere Scraping Tractor			\$5,000.00
	feed truck			\$20,000.00

Debtor Breedyk Dairy, Ltd. Co.
Name

Case number (If known) _____

<u>Lowen vacuum truck</u>			<u>\$60,000.00</u>
<u>Kubota mowing tractor</u>			<u>\$1,000.00</u>
<u>breeding van</u>			<u>\$250.00</u>
<u>truck with cow trailer</u>			<u>\$2,500.00</u>
<u>milking equipment</u>			<u>\$0.00</u>

31. Farm and fishing supplies, chemicals, and feed
sorghum silage 2,200 x 50 = 110,000
wheatledge 3,350 x 60 = 201,000
hay 25 x 2000 = 5,000
\$316,000.00

32. **Other farming and fishing-related property not already listed in Part 6**

33. **Total of Part 6.**

\$4,186,850.00

Add lines 28 through 32. Copy the total to line 85.

34. **Is the debtor a member of an agricultural cooperative?**

☐ No

☒ Yes. Is any of the debtor's property stored at the cooperative?

☐ No

☒ Yes

35. **Has any of the property listed in Part 6 been purchased within 20 days before the bankruptcy was filed?**

☒ No

☐ Yes. Book value _____ Valuation method _____ Current Value _____

36. **Is a depreciation schedule available for any of the property listed in Part 6?**

☐ No

☒ Yes

37. **Has any of the property listed in Part 6 been appraised by a professional within the last year?**

☒ No

☐ Yes

Part 7: Office furniture, fixtures, and equipment; and collectibles

38. **Does the debtor own or lease any office furniture, fixtures, equipment, or collectibles?**

☐ No. Go to Part 8.

☒ Yes Fill in the information below.

	General description	Net book value of debtor's interest (Where available)	Valuation method used for current value	Current value of debtor's interest
39.	<u>Office furniture</u> <u>office furniture</u>			<u>\$100.00</u>
40.	<u>Office fixtures</u>			
41.	<u>Office equipment, including all computer equipment and communication systems equipment and software</u> <u>2 computers</u>			<u>\$400.00</u>

Debtor Breedyk Dairy, Ltd. Co.
Name

Case number (If known) _____

1 printer

42. **Collectibles** *Examples:* Antiques and figurines; paintings, prints, or other artwork; books, pictures, or other art objects; china and crystal; stamp, coin, or baseball card collections; other collections, memorabilia, or collectibles

43. **Total of Part 7.**

Add lines 39 through 42. Copy the total to line 86.

\$500.00

44. **Is a depreciation schedule available for any of the property listed in Part 7?**

- ☒ No
☐ Yes

45. **Has any of the property listed in Part 7 been appraised by a professional within the last year?**

- ☒ No
☐ Yes

Part 8: Machinery, equipment, and vehicles

46. **Does the debtor own or lease any machinery, equipment, or vehicles?**

- ☒ No. Go to Part 9.
☐ Yes Fill in the information below.

Part 9: Real property

54. **Does the debtor own or lease any real property?**

- ☐ No. Go to Part 10.
☒ Yes Fill in the information below.

55. **Any building, other improved real estate, or land which the debtor owns or in which the debtor has an interest**

Description and location of property

Include street address or other description such as Assessor Parcel Number (APN), and type of property (for example, acreage, factory, warehouse, apartment or office building, if available.

Nature and extent of debtor's interest in property

Net book value of debtor's interest
(Where available)

Valuation method used for current value

Current value of debtor's interest

55.1. **Breedyk Dairy Land and improvements**
7150 Vineyard Rd.
Dexter, NM 88230

Fee simple

\$2,750,000.00

55.2. **Breedyk Dairy Dry Land**
7150 Vineyard Rd.
Dexter, NM 88230

Fee simple

\$120,000.00

55.3. **Chisum Trail Farm**
7133 Old Chisum Trail
Dexter, NM 88230

Fee simple

\$682,500.00

Debtor Breedyk Dairy, Ltd. Co.
Name

Case number (If known) _____

55.4.	Shawnee Heifer Ranch land and improvements 265 E. Shawnee Rd. Dexter, NM 88230	Fee simple	\$363,258.00
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55.5.	Shawnee Heifer Ranch House Lot and house 265 E. Shawnee Rd. Dexter, NM 88230	Fee simple	\$75,000.00
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55.6.	No Name Farm 501 No Name Rd. Roswell, NM 88203	Fee simple	\$750,188.00
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55.7.	White Farm land and improvements 7145 Vineyard Rd. Dexter, NM 88230	Fee Simple	\$1,425,731.00
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55.8.	19th Street Farm 2305 E. College Rd. Roswell, NM 88203	Fee simple	\$646,218.00
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56. **Total of Part 9.**

Add the current value on lines 55.1 through 55.6 and entries from any additional sheets.
Copy the total to line 88.

\$6,812,895.00

57. **Is a depreciation schedule available for any of the property listed in Part 9?**

☐ No
☒ Yes

58. **Has any of the property listed in Part 9 been appraised by a professional within the last year?**

☐ No
☒ Yes

Part 10: Intangibles and intellectual property

59. **Does the debtor have any interests in intangibles or intellectual property?**

☒ No. Go to Part 11.
☐ Yes Fill in the information below.

Part 11: All other assets

70. **Does the debtor own any other assets that have not yet been reported on this form?**

Include all interests in executory contracts and unexpired leases not previously reported on this form.

☒ No. Go to Part 12.
☐ Yes Fill in the information below.

Debtor **Breedyk Dairy, Ltd. Co.**
Name

Case number (If known)

Part 12: Summary

In Part 12 copy all of the totals from the earlier parts of the form

Type of property	Current value of personal property	Current value of real property
80. Cash, cash equivalents, and financial assets. <i>Copy line 5, Part 1</i>	<u>\$149.61</u>	
81. Deposits and prepayments. <i>Copy line 9, Part 2.</i>	<u>\$0.00</u>	
82. Accounts receivable. <i>Copy line 12, Part 3.</i>	<u>\$300,000.00</u>	
83. Investments. <i>Copy line 17, Part 4.</i>	<u>\$0.00</u>	
84. Inventory. <i>Copy line 23, Part 5.</i>	<u>\$0.00</u>	
85. Farming and fishing-related assets. <i>Copy line 33, Part 6.</i>	<u>\$4,186,850.00</u>	
86. Office furniture, fixtures, and equipment; and collectibles. <i>Copy line 43, Part 7.</i>	<u>\$500.00</u>	
87. Machinery, equipment, and vehicles. <i>Copy line 51, Part 8.</i>	<u>\$0.00</u>	
88. Real property. <i>Copy line 56, Part 9.....></i>		<u>\$6,812,895.00</u>
89. Intangibles and intellectual property. <i>Copy line 66, Part 10.</i>	<u>\$0.00</u>	
90. All other assets. <i>Copy line 78, Part 11.</i>	+ <u>\$0.00</u>	
91. Total. Add lines 80 through 90 for each column	<u>\$4,487,499.61</u>	+ 91b. <u>\$6,812,895.00</u>
92. Total of all property on Schedule A/B. Add lines 91a+91b=92		<u>\$11,300,394.61</u>

EXHIBIT 1

SCHEDULE A LEGAL DESCRIPTIONS

NO NAME FARM:

The NE1/4 of Section 7 and the SE1/2NW1/4 of Section 8, all in Township 12 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico.

19th STREET FARM:

Parcel 1: A certain tract of land situate within Section 26, Township 10 South of Range 24 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, comprising portions of Lots 15, 16, 17, 18 and 19 of The Hamilton Farms, as subdivision, as shown on the Official Plat filed in the Chaves County Clerk's Office on October 17, 1910 and recorded in Book A of Plat Records, Chaves County, New Mexico, at Page 166.

Parcel 2: Lots 1, 2, and 3 in Block 1; Lots 1, 2, 3 and 4 in Block 2; Lots 1, 2 and 3 in Block 3 of Hamilton Farms Redivision No. 1, in the County of CHAVES and State of New Mexico, as shown on the Official Plat recorded September 26, 1986 in Plat Book L, Page 2, Real Property Records of CHAVES County, New Mexico.

Parcel 3: Lot 9 of Hamilton Farms Replat of Lots 8 and 9, Hamilton Farms Subdivision, in the County of CHAVES and State of New Mexico, as shown on the Official Plat recorded July 14, 2000 in Plat Book V, Page 33, Real Property Records of CHAVES County, New Mexico and being more particularly described as follows:

Beginning at the Northwest corner of the tract herein described, a set 1/2" rebar and cap on the Southerly Right-of-Way line of 19th Street (SR 253), whence the West Quarter Corner (W/4) of said Section 26, being a found 5/8" rebar, bears North 41 degrees 40 minutes 39 seconds East a distance of 48.21 feet; THENCE following said Southerly Right-of-Way of 19th Street, North 89 degrees 59 minutes 08 seconds East, a distance of 1759.97 feet to the Northeast corner of the tract herein described, a set 1/2" rebar and cap impressed LS 5949; THENCE leaving said Southerly Right-of-Way of 19th Street, South 04 degrees 09 minutes 58 seconds West, a distance of 1283.89 feet to a set 1/2" rebar and cap impressed LS 5949; THENCE North 89 degrees 22 minutes 30 seconds East, a distance of 240.69 feet to a found 5/8" rebar and cap impressed LS 5504; THENCE South 00 degrees 55 minutes 15 seconds East, a distance of 681.55 feet to a found 1/2" rebar; THENCE South 33 degrees 46 minutes 33 seconds East, a distance of 761.37 feet to the Southeast corner of the tract herein described, a found 5/8" rebar and cap impressed LS 5504 on the Northerly Right-of-Way of College Boulevard; THENCE following said Northerly Right-of-Way of College Boulevard South 89 degrees 52 minutes 21 seconds West, a distance of 1523.28 feet to the most Southwesterly corner of the tract herein described, a set 1/2" rebar and cap impressed LS 5949; THENCE leaving said Northerly Right-of-Way of College Boulevard North 00 degrees 31 minutes 39 seconds East, a distance of 500.89 feet to a set 1/2" rebar and cap impressed LS 5949; THENCE South 89 degrees 24 minutes 35 seconds West, a distance of 412.17 feet to a set 1/2" rebar and cap impressed LS 5949; THENCE South 89 degrees 21 minutes 38 seconds West, a distance of 443.71 feet to a set 1/2" rebar and cap impressed LS 5949; THENCE North 00 degrees 54 minutes 14 seconds East, a distance of 2103.73 feet to the Northwest corner and point of beginning of the tract herein described.

DAIRY LAND, CHISUM FARM, HEIFER RANCH and FARM:

Parcel 1: The NI/2 of Section 14 in Township 13 South of Range 25 East of the New Mexico Principal Meridian in the County of Chaves and State of New Mexico.

Parcel 2: Lots 1, 2, 3, 4, 5, 6 and 7 of Amanecer En El Campo, a subdivision in the County of Chaves and State of New Mexico, as shown on the Official Plat filed in the Chaves County Clerk's Office on January 15, 1982 and recorded in Book H of Plat Records, at Page 46, EXCEPTING from said Lot 7 that certain tract of land more particularly described in instrument dated May 23, 1947, filed June 10, 1947 and recorded in Book 129 of Deed Records, at Page 509.

Parcel 3: THE E1/2SE1/4 of Section 11 in Township 13 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico, EXCEPTING THEREFROM so much as was platted into Amanecer En El Campo Subdivision, and FURTHER EXCEPTING that certain tract of land more particularly described in Lease Agreement dated January 1, 1947, filed May 21, 1947 and recorded in Book 34 of Miscellaneous Records, at Page 587.

Parcel 4: NW1/4 of Section 14, Township 13 South, Range 25 East of the New Mexico Principal Meridian in the County of Chaves and State of New Mexico.

WHITE FARM:

A tract of land being part of the SW1/4NW1/4 and part of the SW1/4 of Section 13, Township 13 South, Range 25 East of the New Mexico Principal Meridian in the County of Chaves and State of New Mexico, being more particularly described as follows:

Beginning at the section corner common to Sections 13, 14, 23 and 24, Township 13 South, Range 25 East, N.M.P.M., thence N 00 degrees 09'12" W along the section line common to said Sections 13 and 14, a distance of 2435.23 feet; thence S 89 degrees 19'42" E a distance of

709.97 feet; thence N 00 degrees 09'01" W a distance of 613.96 feet; thence N 89 degrees 19'19" W a distance of 710.00 feet to a point on the section line common to said Sections 13 and 14; thence N 00 degrees 09'12" W along the section line common to said Sections 13 and 14, a distance of 918.57 feet to the NI/16 corner common to said Sections 13 and 14; thence S 89 degrees 14'50" E along the north line of the SW1/4NW1/4 of said Section 13, a distance of

1323.71 feet to the NW1/16 corner of said Section 13; thence S 00 degrees 11'34" E along the east line of said SW1/4NW1/4, a distance of 1320.82 feet to the C-W1/16 corner of said Section 13; thence S 89 degrees 19'32" E along the east-west 1/4 line, a distance of 1324.58 feet to the CI/4 corner of said Section 13; thence S 00 degrees 13'56" E along the north-south 1/4 line of said Section 13, a distance of 2640.03 feet to the 1/4 corner common to said Sections 13 and 24; thence N 89 degrees 26'20" W along the section line common to said Sections 13 and 24, a distance of 2652.72 feet to the point of beginning.

DRY LAND:

SE1/4 of Section 14 in Township 13 South of Range 25 East of the New Mexico Principal Meridian, in the County of Chaves and State of New Mexico

TOGETHER with all appurtenant Water Rights, including those reflected in New Mexico State Engineer File Nos. RA-1337-C; RA-877-C; RA-1279; RA-1279-S-2; RA-1279-S-3; RA-1243-A; RA-705, RA-1355; and RA-1355-A. Dated: April 25, 2016.

Fill in this information to identify the case:

Debtor name **Breedyk Dairy, Ltd. Co.**

United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 206D

Schedule D: Creditors Who Have Claims Secured by Property

12/15

Be as complete and accurate as possible.

1. Do any creditors have claims secured by debtor's property?

- ☐ No. Check this box and submit page 1 of this form to the court with debtor's other schedules. Debtor has nothing else to report on this form.
- ☒ Yes. Fill in all of the information below.

Part 1: List Creditors Who Have Secured Claims

2. List in alphabetical order all creditors who have secured claims. If a creditor has more than one secured claim, list the creditor separately for each claim.

		Column A Amount of claim Do not deduct the value of collateral.	Column B Value of collateral that supports this claim	
2.1	Chaves County <small>Creditor's Name</small> 1 St Mary's Pl. Roswell, NM 88203 <small>Creditor's mailing address</small> <small>Creditor's email address, if known</small> Date debt was incurred Last 4 digits of account number Do multiple creditors have an interest in the same property? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Specify each creditor, including this creditor and its relative priority.	Describe debtor's property that is subject to a lien all real property Describe the lien Statutory Lien Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) As of the petition filing date, the claim is: Check all that apply <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$72,112.00	\$6,812,895.00

2.2	DBS Commodities <small>Creditor's Name</small> 184 E Darby Rd Dexter, NM 88230 <small>Creditor's mailing address</small> <small>Creditor's email address, if known</small> Date debt was incurred 2/25/2013 Last 4 digits of account number Do multiple creditors have an interest in the same property?	Describe debtor's property that is subject to a lien all real property; livestock, offspring, proceeds and replacements; equipment; rolling stock; contract rights; accounts; general intangibles; all personal property Describe the lien Third Lien Is the creditor an insider or related party? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Is anyone else liable on this claim? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Fill out <i>Schedule H: Codebtors</i> (Official Form 206H) As of the petition filing date, the claim is: Check all that apply	\$1,164,978.00	\$11,300,451.00
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Debtor **Breedy Dairy, Ltd. Co.**

Name

Case number (if know)

☐ No
☒ Yes. Specify each creditor,
including this creditor and its relative
priority.

☐ Contingent
☐ Unliquidated
☐ Disputed

2.3

**Hartford Investment
Managment Company**

Creditor's Name

**c/o Penny D. Dean, Private
Real Estate
One Hartford Plaza-NP5
Hartford, CT 06155**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred
10/17/2008
Last 4 digits of account number**

**Do multiple creditors have an
interest in the same property?**

☐ No
☒ Yes. Specify each creditor,
including this creditor and its relative
priority.

Describe debtor's property that is subject to a lien
**all real property; accounts receivable;
equipment; crops; government payments;
farm, milk, and dairy products; inventory;
accounts; general intangibles; water rights;
trademarks**

\$4,442,800.00**\$7,507,851.00**

Describe the lien

First Lien

Is the creditor an insider or related party?

☒ No
☐ Yes

Is anyone else liable on this claim?

☐ No
☒ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

☐ Contingent
☐ Unliquidated
☐ Disputed

2.4

VFC Partners 25, LLC

Creditor's Name

**3424 Peachtree Rd. NE
Suite 2200
Atlanta, GA 30326**

Creditor's mailing address

Creditor's email address, if known

**Date debt was incurred
October 2011
Last 4 digits of account number**

**Do multiple creditors have an
interest in the same property?**

☐ No
☒ Yes. Specify each creditor,
including this creditor and its relative
priority.

Describe debtor's property that is subject to a lien
**livestock; all real property; equipment;
inventory; documents**

\$6,960,235.00**\$10,683,745.00**

Describe the lien

Second Lien

Is the creditor an insider or related party?

☒ No
☐ Yes

Is anyone else liable on this claim?

☒ No
☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

As of the petition filing date, the claim is:

Check all that apply

☐ Contingent
☐ Unliquidated
☐ Disputed

2.5

VFC Partners 25, LLC

Creditor's Name

**3424 Peachtree Rd. NE
Suite 2200
Atlanta, GA 30326**

Creditor's mailing address

Creditor's email address, if known

Describe debtor's property that is subject to a lien
**feed; all real property; equipment; inventory;
documents**

\$3,192,123.00**\$7,006,961.00**

Describe the lien

Second Lien

Is the creditor an insider or related party?

☒ No
☐ Yes

Date debt was incurred
October 2010
Last 4 digits of account number

Is anyone else liable on this claim?
☒ No
☐ Yes. Fill out *Schedule H: Codebtors* (Official Form 206H)

Do multiple creditors have an interest in the same property?
☐ No
☒ Yes. Specify each creditor, including this creditor and its relative priority.

As of the petition filing date, the claim is:
Check all that apply
☐ Contingent
☐ Unliquidated
☐ Disputed

3. Total of the dollar amounts from Part 1, Column A, including the amounts from the Additional Page, if any.

\$15,832,248.
00

Part 2: List Others to Be Notified for a Debt Already Listed in Part 1

List in alphabetical order any others who must be notified for a debt already listed in Part 1. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for secured creditors.

If no others need to notified for the debts listed in Part 1, do not fill out or submit this page. If additional pages are needed, copy this page.

Name and address	On which line in Part 1 did you enter the related creditor?	Last 4 digits of account number for this entity
Robert J. Muehlenwhег, Esq. 316 Osuna Rd. NE Unit 201 Albuquerque, NM 87107	Line <u>2.4</u>	
Robert J. Muehlenwhег, Esq. 316 Osuna Rd. NE Unit 201 Albuquerque, NM 87107	Line <u>2.5</u>	

Fill in this information to identify the case:Debtor name **Breedyk Dairy, Ltd. Co.**United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206E/F****Schedule E/F: Creditors Who Have Unsecured Claims****12/15**

Be as complete and accurate as possible. Use Part 1 for creditors with PRIORITY unsecured claims and Part 2 for creditors with NONPRIORITY unsecured claims. List the other party to any executory contracts or unexpired leases that could result in a claim. Also list executory contracts on *Schedule A/B: Assets - Real and Personal Property* (Official Form 206A/B) and on *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G). Number the entries in Parts 1 and 2 in the boxes on the left. If more space is needed for Part 1 or Part 2, fill out and attach the Additional Page of that Part included in this form.

Part 1: List All Creditors with PRIORITY Unsecured Claims**1. Do any creditors have priority unsecured claims?** (See 11 U.S.C. § 507).☐ No. Go to Part 2.☒ Yes. Go to line 2.**2. List in alphabetical order all creditors who have unsecured claims that are entitled to priority in whole or in part.** If the debtor has more than 3 creditors with priority unsecured claims, fill out and attach the Additional Page of Part 1.

			Total claim	Priority amount
2.1	Priority creditor's name and mailing address Internal Revenue Service Centralized Insolvency Operation PO Box 7346 Philadelphia, PA 19101	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$83,432.00	\$60,000.00
	Date or dates debt was incurred 12/31/2015-3/3/2016	Basis for the claim: 943		
	Last 4 digits of account number Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8)	Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		
2.2	Priority creditor's name and mailing address New Mexico Taxation & Revenue Dept. Bankruptcy Support PO Box 8575 Albuquerque, NM 87198	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed	\$0.00	\$0.00
	Date or dates debt was incurred	Basis for the claim: notice only		
	Last 4 digits of account number Specify Code subsection of PRIORITY unsecured claim: 11 U.S.C. § 507(a) (8)	Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		

Part 2: List All Creditors with NONPRIORITY Unsecured Claims**3. List in alphabetical order all of the creditors with nonpriority unsecured claims.** If the debtor has more than 6 creditors with nonpriority unsecured claims, fill out and attach the Additional Page of Part 2.**Amount of claim**

Name

3.1	Nonpriority creditor's name and mailing address Aaron Breedyk PO Box 2872 Roswell, NM 88202 Date(s) debt was incurred <u>2012</u> Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$25,000.00</u>
3.2	Nonpriority creditor's name and mailing address Cartel, Inc. PO Box 534 Hagerman, NM 88232 Date(s) debt was incurred _____ Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$27,380.00</u>
3.3	Nonpriority creditor's name and mailing address Cattle Feeds PO Box 8178 Roswell, NM 88202 Date(s) debt was incurred _____ Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$33,234.00</u>
3.4	Nonpriority creditor's name and mailing address Chase PO Box 15298 Wilmington, DE 19850 Date(s) debt was incurred _____ Last 4 digits of account number <u>0816</u>	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$9,459.00</u>
3.5	Nonpriority creditor's name and mailing address Chase PO Box 15298 Wilmington, DE 19850 Date(s) debt was incurred _____ Last 4 digits of account number <u>4622</u>	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$18,787.00</u>
3.6	Nonpriority creditor's name and mailing address Jordan Dairy Service PO Box 236 Dexter, NM 88230 Date(s) debt was incurred _____ Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$84,625.00</u>
3.7	Nonpriority creditor's name and mailing address Justin Breedyk 7152 Vineyard Rd. Dexter, NM 88230 Date(s) debt was incurred <u>2012</u> Last 4 digits of account number _____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: _____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	<u>\$97,500.00</u>

Name

3.8	Nonpriority creditor's name and mailing address Marshall Farms 548 Shawnee Rd Dexter, NM 88230 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$207,197.00
3.9	Nonpriority creditor's name and mailing address RCMA Farms, LLC PO Box 516 Hagerman, NM 88232 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$56,504.00
3.10	Nonpriority creditor's name and mailing address Richard Park, DVM 1133 W Mesa Loop NW Los Lunas, NM 87031 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$24,520.00
3.11	Nonpriority creditor's name and mailing address Robinson Farms 181 E Darby Dexter, NM 88230 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$617,992.00
3.12	Nonpriority creditor's name and mailing address Ryan Breedyk 10321 Crawford Farms Drive Fort Worth, TX 76244 Date(s) debt was incurred <u>2012</u> Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$50,000.00
3.13	Nonpriority creditor's name and mailing address Vet Outlet PO Box 5609 Roswell, NM 88202 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$25,095.00
3.14	Nonpriority creditor's name and mailing address W-F Farms PO Box 580 Dexter, NM 88230 Date(s) debt was incurred ____ Last 4 digits of account number ____	As of the petition filing date, the claim is: <i>Check all that apply.</i> <input type="checkbox"/> Contingent <input type="checkbox"/> Unliquidated <input type="checkbox"/> Disputed Basis for the claim: ____ Is the claim subject to offset? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	\$340,648.00

Debtor **Breedyk Dairy, Ltd. Co.** Case number (if known) _____
Name

3.15 Nonpriority creditor's name and mailing address **Wells Fargo Business Direct**
PO Box 29482
Phoenix, AZ 85308
Date(s) debt was incurred _____
Last 4 digits of account number **0909**
As of the petition filing date, the claim is: *Check all that apply.* **\$34,322.00**
☐ Contingent
☐ Unliquidated
☐ Disputed
Basis for the claim: _____
Is the claim subject to offset? ☒ No ☐ Yes

Part 3: List Others to Be Notified About Unsecured Claims

4. List in alphabetical order any others who must be notified for claims listed in Parts 1 and 2. Examples of entities that may be listed are collection agencies, assignees of claims listed above, and attorneys for unsecured creditors.

If no others need to be notified for the debts listed in Parts 1 and 2, do not fill out or submit this page. If additional pages are needed, copy the next page.

Name and mailing address	On which line in Part 1 or Part 2 is the related creditor (if any) listed?	Last 4 digits of account number, if any
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Part 4: Total Amounts of the Priority and Nonpriority Unsecured Claims

5. Add the amounts of priority and nonpriority unsecured claims.

5a. Total claims from Part 1

5b. Total claims from Part 2

5c. Total of Parts 1 and 2
Lines 5a + 5b = 5c.

Total of claim amounts	
5a.	\$ 83,432.00
5b. +	\$ 1,652,263.00
5c.	\$ 1,735,695.00

Fill in this information to identify the case:

Debtor name **Breedyk Dairy, Ltd. Co.**

United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 206G

Schedule G: Executory Contracts and Unexpired Leases

12/15

Be as complete and accurate as possible. If more space is needed, copy and attach the additional page, number the entries consecutively.

1. Does the debtor have any executory contracts or unexpired leases?

☒ No. Check this box and file this form with the debtor's other schedules. There is nothing else to report on this form.

☐ Yes. Fill in all of the information below even if the contacts of leases are listed on *Schedule A/B: Assets - Real and Personal* (Official Form 206A/B).

Property

2. List all contracts and unexpired leases

State the name and mailing address for all other parties with whom the debtor has an executory contract or unexpired lease

2.1 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract _____

2.2 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract _____

2.3 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract _____

2.4 State what the contract or lease is for and the nature of the debtor's interest

State the term remaining

List the contract number of any government contract _____

Fill in this information to identify the case:Debtor name **Breedyk Dairy, Ltd. Co.**United States Bankruptcy Court for the: **DISTRICT OF NEW MEXICO**

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 206H
Schedule H: Your Codebtors****12/15**

Be as complete and accurate as possible. If more space is needed, copy the Additional Page, numbering the entries consecutively. Attach the Additional Page to this page.

1. Do you have any codebtors?☐ No. Check this box and submit this form to the court with the debtor's other schedules. Nothing else needs to be reported on this form.☒ Yes

2. In Column 1, list as codebtors all of the people or entities who are also liable for any debts listed by the debtor in the schedules of creditors, Schedules D-G. Include all guarantors and co-obligors. In Column 2, identify the creditor to whom the debt is owed and each schedule on which the creditor is listed. If the codebtor is liable on a debt to more than one creditor, list each creditor separately in Column 2.

*Column 1: Codebtor**Column 2: Creditor***Name****Mailing Address****Name***Check all schedules that apply:*2.1 **Arie Breedyk and
Darla Breedyk****7150 Vineyard Rd.
Dexter, NM 88230****Hartford Investment
Managment
Company**☒ D **2.3**
☐ E/F _____
☐ G _____

Fill in this information to identify the case:Debtor name Breedyk Dairy, Ltd. Co.United States Bankruptcy Court for the: DISTRICT OF NEW MEXICO

Case number (if known) _____

☐ Check if this is an amended filing**Official Form 207****Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy**

04/16

The debtor must answer every question. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known).

Part 1: Income**1. Gross revenue from business**☐ None.**Identify the beginning and ending dates of the debtor's fiscal year, which may be a calendar year****Sources of revenue**
Check all that apply**Gross revenue**
(before deductions and exclusions)**From the beginning of the fiscal year to filing date:**From **1/01/2016** to **Filing Date**☒ Operating a business\$1,362,974.00☐ Other _____**For prior year:**From **1/01/2015** to **12/31/2015**☒ Operating a business\$6,037,011.00☐ Other _____**For prior year:**From **1/01/2015** to **12/31/2015**☐ Operating a business\$2,300,000.00☒ Other Sale of Breakaway Dairy**For year before that:**From **1/01/2014** to **12/31/2014**☒ Operating a business\$9,179,470.00☐ Other _____**2. Non-business revenue**

Include revenue regardless of whether that revenue is taxable. *Non-business income* may include interest, dividends, money collected from lawsuits, and royalties. List each source and the gross revenue for each separately. Do not include revenue listed in line 1.

☐ None.**Description of sources of revenue****Gross revenue from each source**
(before deductions and exclusions)**From the beginning of the fiscal year to filing date:**From **1/01/2016** to **Filing Date**Insurance Proceeds\$116,500.00**For year before that:**From **1/01/2014** to **12/31/2014**Insurance Proceeds\$15,739.00**Part 2: List Certain Transfers Made Before Filing for Bankruptcy**

3. Certain payments or transfers to creditors within 90 days before filing this case

List payments or transfers—including expense reimbursements—to any creditor, other than regular employee compensation, within 90 days before filing this case unless the aggregate value of all property transferred to that creditor is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.)

☐ None.

Creditor's Name and Address	Dates	Total amount of value	Reasons for payment or transfer <i>Check all that apply</i>
3.1. Hartford Investment Managment Company c/o Penny D. Dean, Private Real Estate One Hartford Plaza-NP5 Hartford, CT 06155	1/-/2016; 2/-/2016; 3/-/2016; 4/1/2016	\$174,581.00	<input checked="" type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other___
3.2. Trimont Real Estate Advisors, LLC 3424 Peachtree Rd. NE Suite 2200 Atlanta, GA 30326	1/-/16; 2/-/16	\$60,000.00	<input checked="" type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other___
3.3. DBS Commodities 184 E Darby Rd Dexter, NM 88230	1/22/16; 1/28/16; 2/23/16; 2/29/16; 3/23/16;3/29/16; 4/22/16	\$551,130.00	<input type="checkbox"/> Secured debt <input type="checkbox"/> Unsecured loan repayments <input type="checkbox"/> Suppliers or vendors <input type="checkbox"/> Services <input type="checkbox"/> Other___

4. Payments or other transfers of property made within 1 year before filing this case that benefited any insider

List payments or transfers, including expense reimbursements, made within 1 year before filing this case on debts owed to an insider or guaranteed or cosigned by an insider unless the aggregate value of all property transferred to or for the benefit of the insider is less than \$6,425. (This amount may be adjusted on 4/01/19 and every 3 years after that with respect to cases filed on or after the date of adjustment.) Do not include any payments listed in line 3. *Insiders* include officers, directors, and anyone in control of a corporate debtor and their relatives; general partners of a partnership debtor and their relatives; affiliates of the debtor and insiders of such affiliates; and any managing agent of the debtor. 11 U.S.C. § 101(31).

☒ None.

Insider's name and address Relationship to debtor	Dates	Total amount of value	Reasons for payment or transfer
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5. Repossessions, foreclosures, and returns

List all property of the debtor that was obtained by a creditor within 1 year before filing this case, including property repossessed by a creditor, sold at a foreclosure sale, transferred by a deed in lieu of foreclosure, or returned to the seller. Do not include property listed in line 6.

☒ None

Creditor's name and address	Describe of the Property	Date	Value of property
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6. Setoffs

List any creditor, including a bank or financial institution, that within 90 days before filing this case set off or otherwise took anything from an account of the debtor without permission or refused to make a payment at the debtor's direction from an account of the debtor because the debtor owed a debt.

☒ None

Creditor's name and address	Description of the action creditor took	Date action was taken	Amount
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Part 3: Legal Actions or Assignments**7. Legal actions, administrative proceedings, court actions, executions, attachments, or governmental audits**

List the legal actions, proceedings, investigations, arbitrations, mediations, and audits by federal or state agencies in which the debtor was involved in any capacity—within 1 year before filing this case.

☐ None.

	Case title Case number	Nature of case	Court or agency's name and address	Status of case
7.1.	VFC Partners 25 LLC, v. Breedyk Dairy, et al. D-504-CV-2016-00267	Collection and Foreclosure	Fifth Judicial Dist. Ct., Chavez County P.O. Box 1776 Roswell, NM 88202	<input checked="" type="checkbox"/> Pending <input type="checkbox"/> On appeal <input type="checkbox"/> Concluded

8. Assignments and receivership

List any property in the hands of an assignee for the benefit of creditors during the 120 days before filing this case and any property in the hands of a receiver, custodian, or other court-appointed officer within 1 year before filing this case.

☒ None

Part 4: Certain Gifts and Charitable Contributions**9. List all gifts or charitable contributions the debtor gave to a recipient within 2 years before filing this case unless the aggregate value of the gifts to that recipient is less than \$1,000**

☒ None

Recipient's name and address	Description of the gifts or contributions	Dates given	Value
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Part 5: Certain Losses**10. All losses from fire, theft, or other casualty within 1 year before filing this case.**

☐ None

Description of the property lost and how the loss occurred	Amount of payments received for the loss If you have received payments to cover the loss, for example, from insurance, government compensation, or tort liability, list the total received. List unpaid claims on Official Form 106A/B (Schedule A/B: Assets – Real and Personal Property).	Dates of loss	Value of property lost
storm damage: 3 bulls; 102 cows; 303 calves	\$116,500	12/27/2015-1/20 /2016	\$418,900.00

Part 6: Certain Payments or Transfers**11. Payments related to bankruptcy**

List any payments of money or other transfers of property made by the debtor or person acting on behalf of the debtor within 1 year before the filing of this case to another person or entity, including attorneys, that the debtor consulted about debt consolidation or restructuring, seeking bankruptcy relief, or filing a bankruptcy case.

☐ None.

	Who was paid or who received the transfer? Address	If not money, describe any property transferred	Dates	Total amount or value
11.1.	Moore, Berkson, Bassan & Behles, P.C. 3800 Osuna Rd. NE, Suite 2 Albuquerque, NM 87109	Attorney Fees (includes fling fee)	3/24/16	\$10,000.00
	Email or website address mbglaw@swcp.com			
	Who made the payment, if not debtor?			

12. Self-settled trusts of which the debtor is a beneficiary

List any payments or transfers of property made by the debtor or a person acting on behalf of the debtor within 10 years before the filing of this case to a self-settled trust or similar device.

Do not include transfers already listed on this statement.

☒ None.

Name of trust or device	Describe any property transferred	Dates transfers were made	Total amount or value
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13. Transfers not already listed on this statement

List any transfers of money or other property by sale, trade, or any other means made by the debtor or a person acting on behalf of the debtor within 2 years before the filing of this case to another person, other than property transferred in the ordinary course of business or financial affairs. Include both outright transfers and transfers made as security. Do not include gifts or transfers previously listed on this statement.

☐ None.

	Who received transfer? Address	Description of property transferred or payments received or debts paid in exchange	Date transfer was made	Total amount or value
13.1	Lost Pheasant Family, LP	d/b/a/ Breakaway Dairy	11/16/15	\$2,300,000.00
	Relationship to debtor none			

Part 7: Previous Locations**14. Previous addresses**

List all previous addresses used by the debtor within 3 years before filing this case and the dates the addresses were used.

☒ Does not apply

Address	Dates of occupancy From-To
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Part 8: Health Care Bankruptcies**15. Health Care bankruptcies**

Is the debtor primarily engaged in offering services and facilities for:

- diagnosing or treating injury, deformity, or disease, or
- providing any surgical, psychiatric, drug treatment, or obstetric care?

☒ No. Go to Part 9.

☐ Yes. Fill in the information below.

Facility name and address	Nature of the business operation, including type of services the debtor provides	If debtor provides meals and housing, number of patients in debtor's care
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Part 9: Personally Identifiable Information**16. Does the debtor collect and retain personally identifiable information of customers?**

- ☐ No.
- ☐ Yes. State the nature of the information collected and retained.

17. Within 6 years before filing this case, have any employees of the debtor been participants in any ERISA, 401(k), 403(b), or other pension or profit-sharing plan made available by the debtor as an employee benefit?

- ☐ No. Go to Part 10.
- ☐ Yes. Does the debtor serve as plan administrator?

Part 10: Certain Financial Accounts, Safe Deposit Boxes, and Storage Units**18. Closed financial accounts**

Within 1 year before filing this case, were any financial accounts or instruments held in the debtor's name, or for the debtor's benefit, closed, sold, moved, or transferred?

Include checking, savings, money market, or other financial accounts; certificates of deposit; and shares in banks, credit unions, brokerage houses, cooperatives, associations, and other financial institutions.

- ☐ None

Financial Institution name and Address	Last 4 digits of account number	Type of account or instrument	Date account was closed, sold, moved, or transferred	Last balance before closing or transfer
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19. Safe deposit boxes

List any safe deposit box or other depository for securities, cash, or other valuables the debtor now has or did have within 1 year before filing this case.

- ☐ None

Depository institution name and address	Names of anyone with access to it Address	Description of the contents	Do you still have it?
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20. Off-premises storage

List any property kept in storage units or warehouses within 1 year before filing this case. Do not include facilities that are in a part of a building in which the debtor does business.

- ☐ None

Facility name and address	Names of anyone with access to it	Description of the contents	Do you still have it?
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Part 11: Property the Debtor Holds or Controls That the Debtor Does Not Own**21. Property held for another**

List any property that the debtor holds or controls that another entity owns. Include any property borrowed from, being stored for, or held in trust. Do not list leased or rented property.

- ☐ None

Part 12: Details About Environment Information

For the purpose of Part 12, the following definitions apply:

Environmental law means any statute or governmental regulation that concerns pollution, contamination, or hazardous material, regardless of the medium affected (air, land, water, or any other medium).

Site means any location, facility, or property, including disposal sites, that the debtor now owns, operates, or utilizes or that the debtor formerly owned, operated, or utilized.

Hazardous material means anything that an environmental law defines as hazardous or toxic, or describes as a pollutant, contaminant, or a similarly harmful substance.

Report all notices, releases, and proceedings known, regardless of when they occurred.

22. **Has the debtor been a party in any judicial or administrative proceeding under any environmental law? Include settlements and orders.**

- ☒ No.
☐ Yes. Provide details below.

Case title Case number	Court or agency name and address	Nature of the case	Status of case
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23. **Has any governmental unit otherwise notified the debtor that the debtor may be liable or potentially liable under or in violation of an environmental law?**

- ☒ No.
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
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24. **Has the debtor notified any governmental unit of any release of hazardous material?**

- ☒ No.
☐ Yes. Provide details below.

Site name and address	Governmental unit name and address	Environmental law, if known	Date of notice
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Part 13: Details About the Debtor's Business or Connections to Any Business

25. **Other businesses in which the debtor has or has had an interest**

List any business for which the debtor was an owner, partner, member, or otherwise a person in control within 6 years before filing this case. Include this information even if already listed in the Schedules.

☐ None

Business name address	Describe the nature of the business	Employer identification number Do not include Social Security number or ITIN.
25.1. Breakaway Dairy 2505 S. Pawhatan Roswell, NM 88203	dairy operation	Dates business existed EIN: 26-4487471 From-To 8/1/2001-11/15/2015

26. **Books, records, and financial statements**

26a. List all accountants and bookkeepers who maintained the debtor's books and records within 2 years before filing this case.

☐ None

Name and address	Date of service From-To
26a.1. Arie Breedyk 7150 Vineyard Rd. Dexter, NM 88230	1991-present
26a.2. Frazer, LLP 2250 W. Main St. Visalia, CA 93291	1991-present

26b. List all firms or individuals who have audited, compiled, or reviewed debtor's books of account and records or prepared a financial statement within 2 years before filing this case.

☐ None

Name and address	Date of service From-To
26b.1. Frazer, LLP 2250 W. Main St. Visalia, CA 93291	1991-present

26c. List all firms or individuals who were in possession of the debtor's books of account and records when this case is filed.

☐ None

Name and address	If any books of account and records are unavailable, explain why
26c.1. Arie Breedyk 7150 Vineyard Rd. Dexter, NM 88230	
26c.2. Frazer, LLP 2250 W. Main St. Visalia, CA 93291	

26d. List all financial institutions, creditors, and other parties, including mercantile and trade agencies, to whom the debtor issued a financial statement within 2 years before filing this case.

☐ None

Name and address
26d.1. Hartford Investment Managment Company c/o Penny D. Dean, Private Real Estate One Hartford Plaza-NP5 Hartford, CT 06155
26d.2. VFC/Trimont Real Estate Advisors, LLC 3424 Peachtree Rd. NE Suite 2200 Atlanta, GA 30326

27. Inventories

Have any inventories of the debtor's property been taken within 2 years before filing this case?

☐ No☒ Yes. Give the details about the two most recent inventories.

Name of the person who supervised the taking of the inventory	Date of inventory	The dollar amount and basis (cost, market, or other basis) of each inventory
27.1 Arie Breedyk	4/1/16	
Name and address of the person who has possession of inventory records		
Debtor 7150 Vineyard Rd. Dexter, NM 88230		

28. List the debtor's officers, directors, managing members, general partners, members in control, controlling shareholders, or other people in control of the debtor at the time of the filing of this case.

Name	Address	Position and nature of any interest	% of interest, if any
Arie Breedyk	7150 Vineyard Rd. Dexter, NM 88230	managing member	50%

Name	Address	Position and nature of any interest	% of interest, if any
Darla Breedyk	7150 Vineyard Rd. Dexter, NM 88230	member	50%

29. Within 1 year before the filing of this case, did the debtor have officers, directors, managing members, general partners, members in control of the debtor, or shareholders in control of the debtor who no longer hold these positions?

- ☒ No
☐ Yes. Identify below.

30. **Payments, distributions, or withdrawals credited or given to insiders**

Within 1 year before filing this case, did the debtor provide an insider with value in any form, including salary, other compensation, draws, bonuses, loans, credits on loans, stock redemptions, and options exercised?

- ☐ No
☒ Yes. Identify below.

	Name and address of recipient	Amount of money or description and value of property	Dates	Reason for providing the value
30.1	Arie Breedyk 7150 Vineyard Rd. Dexter, NM 88230	\$28,052 \$43,000 \$5,700	2015 2015 2016	payroll
	Relationship to debtor managing member			
30.2	Aaron Breedyk PO Box 2872 Roswell, NM 88202	\$18,500 \$18,000	2015 2016	payroll
	Relationship to debtor assistant manager			
30.3	Justin Breedyk 7152 Vineyard Rd. Dexter, NM 88230	\$25,775 \$11,700	2015 2016	payroll
	Relationship to debtor assistant manager			
30.4	Neil Breedyk 265 E. Shawnee Dexter, NM 88230	\$43,000 \$16,125	2015 2016	payroll
	Relationship to debtor calf raiser			

31. Within 6 years before filing this case, has the debtor been a member of any consolidated group for tax purposes?

- ☒ No
☐ Yes. Identify below.

Debtor **Breedyk Dairy, Ltd. Co.**

Case number (if known) _____

Name of the parent corporation

Employer Identification number of the parent corporation

32. Within 6 years before filing this case, has the debtor as an employer been responsible for contributing to a pension fund?

- ☒ No
☐ Yes. Identify below.

Name of the parent corporation

Employer Identification number of the parent corporation

Part 14: Signature and Declaration

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

I have examined the information in this *Statement of Financial Affairs* and any attachments and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 17, 2016**

/s/ Arie Breedyk

Signature of individual signing on behalf of the debtor

Arie Breedyk

Printed name

Position or relationship to debtor **Managing Member**

Are additional pages to *Statement of Financial Affairs for Non-Individuals Filing for Bankruptcy* (Official Form 207) attached?

- ☒ No
☐ Yes

United States Bankruptcy Court
District of New Mexico

In re Breedyk Dairy, Ltd. Co.

Debtor(s)

Case No.
Chapter

11

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Arie Breedyk, managing member, 7150 Vineyard Rd. Dexter, NM 88230		50%	ownership interest
Darla Breedyk, member, 7150 Vineyard Rd. Dexter, NM 88230		50%	ownership interest

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **Managing Member** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date

05-16-2016

Signature

Arie Breedyk

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
District of New Mexico**

In re **Breedyk Dairy, Ltd. Co.**

Debtor(s)

Case No.
Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Breedyk Dairy, Ltd. Co.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

May 17, 2016
Date

/s/ George M. Moore
George M. Moore 1854
Signature of Attorney or Litigant
Counsel for **Breedyk Dairy, Ltd. Co.**
Moore, Berkson, Bassan & Behles, P.C.
3800 Osuna Rd. NE, Suite 2
Albuquerque, NM 87109
(505)242-1218 Fax:(505)242-2836
mbglaw@swcp.com

**United States Bankruptcy Court
District of New Mexico**

In re **Breedyk Dairy, Ltd. Co.**

Debtor(s)

Case No.

Chapter

11

BUSINESS INCOME AND EXPENSES

FINANCIAL REVIEW OF THE DEBTOR'S BUSINESS (NOTE: ONLY INCLUDE information directly related to the business operation.)

PART A - GROSS BUSINESS INCOME FOR PREVIOUS 12 MONTHS:

1. Gross Income For 12 Months Prior to Filing: \$ **6,037,011.00**

PART B - ESTIMATED AVERAGE FUTURE GROSS MONTHLY INCOME:

2. Gross Monthly Income \$ **390,000.00**

PART C - ESTIMATED FUTURE MONTHLY EXPENSES:

3. Net Employee Payroll (Other Than Debtor) \$ **48,500.00**

4. Payroll Taxes **15,000.00**

5. Unemployment Taxes **0.00**

6. Worker's Compensation **0.00**

7. Other Taxes **0.00**

8. Inventory Purchases (Including raw materials) **16,700.00**

9. Purchase of Feed/Fertilizer/Seed/Spray **70,000.00**

10. Rent (Other than debtor's principal residence) **0.00**

11. Utilities **13,200.00**

12. Office Expenses and Supplies **0.00**

13. Repairs and Maintenance **10,500.00**

14. Vehicle Expenses **8,000.00**

15. Travel and Entertainment **0.00**

16. Equipment Rental and Leases **0.00**

17. Legal/Accounting/Other Professional Fees **7,000.00**

18. Insurance **8,987.00**

19. Employee Benefits (e.g., pension, medical, etc.) **0.00**

20. Payments to Be Made Directly By Debtor to Secured Creditors For Pre-Petition Business Debts (Specify):

DESCRIPTION

TOTAL

21. Other (Specify):

DESCRIPTION

TOTAL

farming

4,500.00

heifer raising

20,000.00

veterinary

2,500.00

DBS Commodities (for feed)

150,000.00

22. Total Monthly Expenses (Add items 3-21) \$ **374,887.00**

PART D - ESTIMATED AVERAGE NET MONTHLY INCOME:

23. AVERAGE NET MONTHLY INCOME (Subtract item 22 from item 2) \$ **15,113.00**